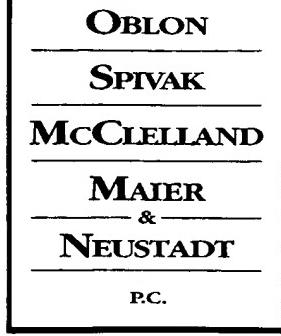


Docket No.: 214039US2X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

NORMAN F. OBLON
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RE: Application Serial No.: 09/961,112

Applicants: Hideki KINUGAWA

Filing Date: September 24, 2001

For: SYSTEM FOR CONTROLLING OPERATING
INFORMATION OF CONSTRUCTION MACHINE
AND CONSTRUCTION MACHINE THEREFOR

Group Art Unit: 3661

Examiner: LOUIS JACQUES, J.H.

SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. 1.181/with attachments

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Registration No. 24,618

Robert T. Pous
Registration No. 29,099

Customer Number

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(703) 413-2220 (fax)

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DOCKET NO: 214039US2X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF

HIDEKI KINUGAWA : EXAMINER: LOUIS JACQUES, J.H.

SERIAL NO: 09/961,112 :

FILED: SEPTEMBER 24, 2001 : GROUP ART UNIT: 3661

FOR: SYSTEM FOR CONTROLLING
OPERATING INFORMATION OF
CONSTRUCTION MACHINE AND
CONSTRUCTION MACHINE THEREFOR

PETITION UNDER 37 C.F.R §1.181(a) (2)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

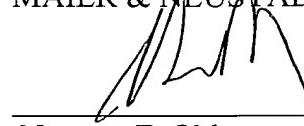
Applicants herein petition the Commissioner to invoke his supervisory authority to require the Examiner to consider the prior art cited in the Information Disclosure Statement filed on September 24, 2001.

An Information Disclosure Statement in conformity with the requirements of 37 C.F.R. §1.97-1.98 was filed on September 24, 2001. A copy of the Information Disclosure Statement, the cited prior art and a date-stamped filing receipt are attached. The above-referenced application has now been allowed. The prior art cited in the Information Disclosure Statement was never acknowledged or made of record by the Examiner.

Although Applicants do not believe that any fee is required for the present petition, any required fee should be charged the undersigned attorneys account no. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
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(OSMMN 06/04)

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Registration No. 29,099

I:\CFDAV\PETITIONS\214039.PET

Docket No. 214039US2X



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hideki KINUGAWA

SERIAL NO: NEW APPLICATION

GAU:

FILED: HEREWITH

EXAMINER:

FOR: SYSTEM FOR CONTROLLING OPERATING INFORMATION OF CONSTRUCTION MACHINE AND
CONSTRUCTION MACHINE THEREFOR

INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Marvin J. Spivak
Registration No. 24,913

LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent No.</u>	<u>Filing or Issue Date</u>	<u>Status or Patentee</u>
209396US2X	09/874,057	06/06/01	PENDING

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 214039US2X		SERIAL NO. NEW APPLICATION	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hideki KINUGAWA			
				FILING DATE HEREWITH		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
					YES	NO	
	AO	2000-293795	10/20/00	Japan (with English Abstract)			X
	AP	2000-293794	10/20/00	Japan (with English Abstract)			X
	AQ	11-242778	9/7/99	Japan (with English Abstract)			X
	AR	8-144312	6/4/96	Japan (with English Abstract)			X
	AS	7-273714	10/20/95	Japan (with English Abstract)			X
	AT	6-330539	11/29/94	Japan (with English Abstract)			X
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ						
Examiner					Date Considered		

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

in
OSMM&N File No. 214039US2X

Dept.: PP/JF

By: MJS/cp

Serial No. NEW APPLICATION

In the matter of the Application of: Hideki KINUGAWA

For: SYSTEM FOR CONTROLLING OPERATING INFORMATION OF
CONSTRUCTION MACHINE AND CONSTRUCTION MACHINE
THEREFOR

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 21 pp. Specification 20 Claims/Formal Drawings 7 Sheets
 - and 2 pages Application Data Sheet
- Combined Declaration, Petition & Power of Attorney pages
- List of Inventor Names and Addresses
- Utility Patent Application Transmittal CPA
- Notice of Priority Priority Doc
- Check for \$840.00 Dep. Acct. Order Form
- Fee Transmittal Form
- Assignment/PTO 1595 pages:
- Letter to Official Draftsman
- Letter Requesting Approval of Drawing Changes
- Formal Drawings sheets Formal
- Letter
- Amendment
- Information Disclosure Statement PTO-1449
- Cited References (6)
- Search Report
- Statement of Relevancy
- IDS/Related/List of Related Cases
- Restriction Response
- Rule 132 Declaration
- Petition for Extension of Time
- Notice of Appeal
- Brief
- Issue Fee Transmittal
- White Advance Serial Number Card
- Small Entity Status is Claimed
-
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Due Date: 9/25/01